

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI**

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Nicholas A. Stokes

Docket No.: 4:05CR00125-1 ERW

Name of Sentencing Judicial Officer: The Honorable Stephen N. Limbaugh, Senior United States District Judge. On June 26, 2014, case reassigned to the Honorable E. Richard Webber, Senior United States District Judge

Date of Original Sentence: December 16, 2005

Original Offense: The defendant did knowingly distribute a videotape containing child pornography that has been transported interstate commerce

Original Sentence: 120 months imprisonment and Life supervised release. On April 4, 2017, term of supervised release revoked and sentenced to 20 days custody to be followed by a Life term of supervised release. On December 12, 2019, term of supervised release revoked and sentenced to 12 months and one day custody to be followed by a Life term of supervised release.

Type of Supervision: Supervised Release

Date Supervision Commenced: June 3, 2020
Expiration Date: Life

Assistant U.S. Attorney: Carrie Costantin

Defense Attorney: Beverly Beimbiak

PETITIONING THE COURT

☒ To issue a warrant

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number

Mandatory Condition No.1: You must not commit another federal, state or local crime.

Standard Condition No.8: You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.

Standard Condition No.12: If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.

Standard Condition No.13: You must follow the instructions of the probation officer related to the conditions of supervision.

Nature of Noncompliance

On December 25, 2021, the Farmington, Missouri Police Department responded to the offender's ex-girlfriend's residence located in Farmington, Missouri. According to Offense/Incident Report #21-3334, upon arrival to the residence, the officer was advised by the victim that the offender attempted to gain entry into her residence, but she would not allow him in. The offender pulled the door open and broke the lock off the inside of the door. The victim advised that the offender was on house arrest and not permitted to be at her residence or near her at this time. The offender was not present upon arrival of the police officer. The victim advised that she wanted the incident documented.

On January 4, 2022, the Farmington, Missouri Police Department responded to the offender's ex-girlfriend's residence in Farmington, Missouri. According to Offense/Incident Report #22-0030, upon arrival to the residence, the victim reported to the police officer that she and the offender has been in a verbal argument at her residence. The victim noted that they have been separated for several months, but the offender would not stop showing up at her residence. The victim advised the police officer that on January 4, 2022, the offender arrived at her residence, placing a box over her outside security camera and then came into her residence uninvited. While inside the residence, the offender continued to argue with her despite her demands for him to leave. The victim then sent a text message to a neighbor seeking help. The neighbor arrived and the police were contacted at that time. The neighbor advised the police officer that when he arrived at the victim's residence, he observed the offender standing inside her residence yelling at her. The neighbor intervened and the offender was refusing to leave. The neighbor then grabbed the offender by the arm and had to physically remove him from the residence. The police were called at that time. The offender was not located for an interview at that time.

According to St. Francois County Sheriff's Department Incident #22000016, on January 6, 2022, a St. Francois County Sheriff's Department Deputy was dispatched to the offender's residence in response to completing a State Probation warrant for the offender's arrest. Upon arrival to the residence, the Deputy began knocking on the front door and observed a male subject go outside the back of the home onto a raised balcony. The subject was later identified as the offender. During initial contact with the male subject, the Deputy observed the subject's hands inside of his pants. The Deputy pulled out his taser and commanded the subject to not move and to identify himself. The subject denied being the offender and stated that his name was Steven Reeves and that he would need to go inside the house to get the offender. The Deputy advised that the offender had a State Probation arrest warrant. The Deputy then determined that the male subject was in fact the offender. The offender suddenly moved his body and began to flip a table at the Deputy in an attempt to go back inside of the residence. For officer safety reasons, the Deputy deployed his taser at the offender as the offender made it back inside the residence. As the offender made it back inside the home, the Deputy began to move away from the balcony. Approximately 10 seconds later, the back sliding glass door was heard opening again. The Deputy observed the offender jump from the balcony, over the railing into the back yard, attempting to flee. The Deputy pursued the offender on foot for approximately 20 feet until the offender slipped on the snowy grass, where he subsequently crawled in an attempt to escape. There was a short struggle, and the offender was ultimately taken into custody and transported to the St. Francois County Sheriff's

Detention Center. The report was being forwarded to the Prosecuting Attorney's Office for the consideration of new charges of Resisting or Interfering with Arrest (Felony).

Due to concerns for the safety of the victim (offender's ex-girlfriend), Victoria Midkiff, which involved numerous domestic disturbances incidents between the two of them, the offender had previously been instructed by the probation officer to refrain from any further contact with Midkiff at this time. Further, Midkiff is currently on State probation, having previously been convicted of Possession of a Controlled Substance Except 35 Grams or Less of Marijuana in Jefferson County, Missouri, Docket No 17JE-CR00477-01. The Court Suspended Imposition of Sentence and Madkiff received a term of five-years State probation.

Violation Number

Standard Condition No.3: You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.

Special Condition: You must not possess and/or use computers (as defined in 18 U.S.C. § 1030(e)(1)) or other electronic communications or data storage devices or media without approval of the probation office.

Nature of Noncompliance

On November 30, 2021, as a requirement of his conditions of supervision, the offender participated in a polygraph examination. During the interview, the offender disclosed that he was in possession of his girlfriends' smartphone for the purpose of using the "Text Now" application. The offender further disclosed that he and his girlfriend recently attended a concert in Springfield, Missouri. The offender did not seek prior permission from the probation officer to travel outside of the Eastern District of Missouri.

Previous Violations

On September 21, 2020, a violation report was submitted to the Court due to the offender's unsuccessful discharge from the Residential Reentry Center (RRC) for failing to cooperate with staff. The RRC violations included attempts to bring in contraband into the facility, engaging in verbally aggressive altercations with others, reportedly making racial comments and singing about getting a firearm, making staff and other client uneasy. The offender's conditions of supervision were modified to include his participation in the Location Monitoring Program.

On July 22, 2021, a violation report was submitted to the Court for the offender's involvement in a vehicle accident in Farmington, Missouri and fleeing from the scene. The offender later received a citation for Leaving the Scene of a Motor Vehicle Accident. During a polygraph examination, the offender further disclosed that he had been accessing the internet through multiple sources for an extended period, without the prior permission of the probation officer. The offender reported that he was using the internet to communicate with his attorney, work with an online taxpayer advocacy group and upon his release from the Residential Reentry Center, he was accessing the internet for the purpose of viewing nude images of adult females.

On November 22, 2021, a violation report was submitted to the Court due to the offender's numerous undisclosed contacts with law enforcement. On multiple occasions, the police had been called to the offender's girlfriend's residence for Disturbances involving the offender refusing to leave her residence. On one occasion, during an argument between the offender and his girlfriend, the girlfriend received a burn to the side of her face from her cigarette and the offender admitted to biting her on her shoulder, causing injury. The offender was instructed by the probation officer to refrain from any further contact with the girlfriend at that time.

U.S. Probation Officer Recommendation: It is respectfully requested that the Court issue a warrant for the offender's arrest and his term of supervised release be revoked. Despite ongoing interventions by the probation office to assist the offender with making positive changes, he continues to be resistant to making change and working with the probation office. The offender has been afforded the opportunity to participate in sex offender treatment, mental health treatment and psychiatric services. However, the offender's actions display a complete disregard for any interest in utilizing the resources provided to him including his decision to not consider the guidance provided to him and complying with his conditions of supervision. The offender continues to engage in risky and increasingly aggressive behaviors and appears to be a danger to himself and the community and is not amendable to supervision at this time.

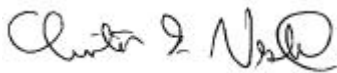
I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 14, 2022

Approved,

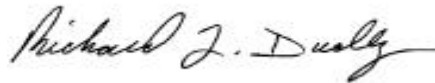
Respectfully submitted,

by



Clinton S. Vestal
Supervising U.S. Probation Officer
Date: January 14, 2022

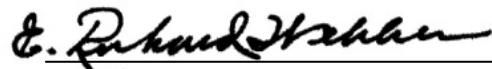
by



Richard L. Dudley III
Senior U.S. Probation Officer
Date: January 14, 2022

THE COURT ORDERS:

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
 Appearance Date:
 Appearance Time:
 Courtroom Number:
☐ Other


Signature of Judicial Officer

January 14, 2022
Date